

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

KENNETH TRIMBLE,	)	4:08CV3116
	)	
Plaintiff,	)	
	)	<b>MEMORANDUM</b>
v.	)	<b>AND ORDER</b>
	)	
BNSF RAILWAY COMPANY,	)	
	)	
Defendant.	)	

This matter is before the court on the defendant's application for attorney fees ([filing 24](#)). The motion will be granted, and the defendant, BNSF Railway Company, will be awarded attorney fees in the amount of \$213.00, to be assessed against the plaintiff, Kenneth Trimble, when final judgment is entered in this matter.

On December 4, 2008, the court entered a memorandum and order granting the defendant's motion to compel discovery ([filing 18](#)) and directing the defendant to file an application for attorney fees and expenses pursuant to [Fed.R.Civ.P. 37\(a\)\(5\)\(A\)](#) on or before December 15, 2008. The pending motion was filed on December 12, 2008. On December 16, 2008, plaintiff's counsel advised by email that the motion could be "submitt[ed] . . . without further comment."

The plaintiff requests an award of attorney fees in the amount of \$213.00, which represents 2.1 hours of paralegal time, at \$70 per hour, plus 0.3 hours of attorney time, at \$220 per hour. I find this amount to be reasonable, and will grant the defendant's request.

Accordingly,

IT IS ORDERED the defendant's application for attorney fees (filing 24) is granted, and the defendant, BNSF Railway Company, is awarded attorney fees in the amount of \$213.00, which amount shall be assessed against the plaintiff, Kenneth Trimble, when final judgment is entered in this matter.

January 8, 2009.

BY THE COURT:

s/ *Richard G. Kopf*  
United States District Judge